



## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,234	12/18/2001	Robert W. Stadler	P-9888.00	3742
27581 7.	590 01/26/2005		EXAMINER	
MEDTRONIC, INC.			MANUEL, GEORGE C	
710 MEDTRO	NIC PARKWAY NE			<u>.</u>
MS-LC340		ART UNIT	PAPER NUMBER	
MINNEAPOL	MINNEAPOLIS, MN 55432-5604			
			DATE MAILED: 01/26/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Applicati n No.	Applicant(s)				
	10/023,234	STADLER ET AL.				
Office Action Summary	Examiner	Art Unit				
	George Manuel	3762				
Th MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply if NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on 17 No.	<u>ovember 2004</u> .	•				
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This	·					
•	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
4)  Claim(s) 1-55 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5)  Claim(s) is/are allowed. 6)  Claim(s) 1-55 is/are rejected. 7)  Claim(s) is/are objected to. 8)  Claim(s) are subject to restriction and/or	vn from consideration.					
Application Papers						
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct	epted or b) objected to by the bed drawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).				
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori	s have been received. s.have been received in Applicati rity documents have been receive u (PCT Rule 17.2(a)).	ion No ed in this National Stage				
Attachment(s)  1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail Da					

Application/Control Number: 10/023,234

Art Unit: 3762

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-55 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Larnard et al '772.

Larnard et al discloses a processor 19 having a normal processing mode (see 101 for normal sinus rhythm data) for benign heart rhythm comprising a normal sinus rhythm and a guarded processing mode responsive to a non-benign heart rhythm comprising classifying cardiac events as bradycardia or tachycardia. Event/Peak detection 103, interval and morphology calculations 104 provide means for switching from the normal processing mode to a guarded processing mode and event and rhythm classifications 105 and 106 provide discriminatory arrhythmia classification algorithms.

Regarding claims 5, 7, 13, 17, 20, 26, 45 and 52, the evidence of atrial flutter is provided by the detection circuitry of the atrial data path 170 of the algorithm which performs an event and peak detection determination at 171 and then loads the time of the atrial P-wave peak into an atrial buffer at 172.

Art Unit: 3762

Regarding claims 37-41 sensing electrodes 11 provides first and second sensors. Pacing therapy is delivered from the action module 20 to the atrial and ventricular sensing and pacing leads 11 and 12 by means of a bus 21.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (703) 308-2118.

George Manuel Primary Examiner Art Unit: 3762

1/24/05